IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 25354 of 2007(R)

PETITIONERS:
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1. TRIVANDRUM DISTRICT CRUMB RUBBER WORKER'S UNION (CITU), CITU DISTRICT COMMITTEE OFFICE, KSRTEA BUILDING, REPRESENTED BY IT'S, SECRETARY P.MURALEEDHARAN NAIR.

2. TRIVANDRUM DISTRICT CRUMB RUBBER PROCESSING WORKERS UNION (INTUC), PONMUDY RUBBERS LTD., MEENMUTTY P.O., PALODE, REPRESENTED BY ITS SECRETARY, D.MADHUSOODHANAN NAIR.

BY ADV. SRI.THOMAS ABRAHAM
SRI.DIPU.R
SMT.MERCIAMMA MATHEW

RESPONDENTS:
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1. UNION OF INDIA, REPRESENTED BY IT'S SECRETARY, MINISTRY OF COMMERCE, NEW DELHI.

2. SECRETARY, INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM.

3. SECRETARY, LABOUR DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM.

4. THE CHAIRMAN, RUBBER BOARD, OFFICE OF THE RUBBER BOARD, SUB JAIL ROAD, KOTTAYAM-686 002.

5. M/S. PONMUDY RUBBERS LTD., REPRESENTED BY ITS MANAGING DIRECTOR, RUBBER BOARD REGIONAL OFFICE, TC 44/2490, THYCAUDU, TRIVANDRUM.

BY ADV. SRI.JOSEPH MARKOSE FOR R4
SRI.TERRY V.JAMES
SRI.P.PARAMESWARAN NAIR, ASG

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 25354 OF 2007
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Dated this the 25th day of September, 2007

J U D G M E N T

The prayer made in this writ petition is to direct respondents 1 and 4 to issue direction to the 5th respondent to co-operate with the attempt of the petitioners and the State Government to revive the Company. There are other consequential reliefs also.

2. It is seen that the factory in question was closed down on 21/5/07 and the petitioner workmen did not accept the voluntary retirement offered, but compensation offered in terms of the provisions of the Industrial Disputes Act have been received by the workmen. It is also revealed that conciliation in respect of the issues leading to the closure of the industry is pending before the Labour Commissioner in terms of the provisions contained in the Industrial Disputes Act. At that stage this writ petition has been filed mainly on the allegation that the 5th respondent is not co-operating with the conciliation and for

the revival of the company.

3. If there is a closure of industry, that certainly gives right to the unions to raise an industrial dispute. In this case, unions have raised a dispute and the dispute is pending conciliation. If as alleged by the petitioner, one of the parties to the dispute does not co-operate with the Conciliation Officer or the conciliation fails, Industrial Disputes Act provides for further course of action be adopted by the Conciliation Officer or the appropriate Government. Exercising the supervisory jurisdiction of this Court, this Court will not be justified in stepping into the areas of conciliation or directing a party to the dispute to co-operate with the conciliation.

I see no merit in this writ petition and it is dismissed. However, this will not prejudice the right of the petitioners to pursue their claims under the Industrial Disputes Act.

ANTONY DOMINIC, JUDGE.

Rp